
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ROWE et al.

Attorney Docket No.: IGT1P119/P-390

Application No.: 09/688,854

Examiner: Namitha Pillai

Filed: October 16, 2000

Group: 2173

Title: METHOD AND SYSTEM FOR
CONFIGURING A GRAPHICAL USER
INTERFACE BASED UPON A USER PROFILE

Confirmation No.: 1791

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Deborah Neill

**TRANSMITTAL OF REPLY BRIEF
IN RESPONSE TO EXAMINER'S ANSWER**

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Sir:

Transmitted herewith is the Reply Brief In Response To Examiner's Answer mailed August 6, 2008.

This reply brief is being filed within two (2) months of the mailing date of the Examiner's Answer.

Applicant believes that no extension of term is required. If an additional extension of time is required, however, please consider this a petition therefor.

☒ Charge any additional fees or credit any overpayment to Deposit Account No. 504480, (Order No. IGT1P119).

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS**

EX PARTE RICK ROWE, ET AL.

Application for Patent

Filed October 16, 2000

Application No. 09/688,854

**FOR:
METHOD AND SYSTEM FOR CONFIGURING A GRAPHICAL
USER INTERFACE BASED UPON A USER PROFILE**

REPLY BRIEF

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I. REAL PARTY IN INTEREST

The real party in interest is IGT, the assignee of the present application, having an address at 9295 Prototype Drive, Reno, Nevada 89521.

II. RELATED APPEALS AND INTERFERENCES

The undersigned is not aware of any related appeals and/or interferences.

III. STATUS OF CLAIMS

There are 30 total claims pending in this application, namely claims 1-8, 10-14 and 17-33. No claims have been allowed or have been indicated as being allowable. Claims 1, 10, 17 and 32 are independent. Claims 2-8 all depend directly from independent claim 1. Claims 11-14 all depend directly or indirectly from independent claim 10. Claims 18-31 all depend directly or indirectly from independent claim 17. Claim 33 depends directly from independent claim 32. Claims 9 and 15-16 have been canceled during prosecution.

Claims 1-8, 10-14, 17-19 and 25-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,971,271 to Wynn, et al. ("Wynn") and U.S. Patent No. 6,554,707 to Sinclair, et al. ("Sinclair").

Claims 20-24 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynn, Sinclair, and U.S. Patent No. 6,905,409 to Bradshaw ("Bradshaw").

All rejections of all claims have been appealed.

IV. STATUS OF AMENDMENTS

The last claim amendments by Applicants were made in a Response dated March 17, 2005. These new claims were entered and considered in the next Office Action of June 16, 2005. No claim amendments or addition of new claims has been made since this time. There are no claim amendments that have not been entered.

V. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Per the Final Office Action of November 28, 2007 ("Final Office Action"), claims 1-8, 10-14, 17-19 and 25-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

U.S. Patent No. 5,971,271 to Wynn, et al. (“Wynn”) and U.S. Patent No. 6,554,707 to Sinclair, et al. (“Sinclair”).

In addition, claims 20-24 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynn, Sinclair, and U.S. Patent No. 6,905,409 to Bradshaw (“Bradshaw”). No other grounds of rejection were given.

VI. ARGUMENT

A) The rejection of claims 1-8, 10-14 and 17-33 under 35 U.S.C. §103(a)

1. Independent claims 1 and 32

Independent claims 1 and 32 pertain to methods of configuring a graphical user interface associated with a gaming system. Claims 1 and 32 are both rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynn and Sinclair.

The Applicants wish to emphasize that, in order to render a claim as obvious, a purported combination of references must disclose or suggest every element of that claim. Regardless of whether Wynn and Sinclair are considered alone or in combination, these references fail to disclose or suggest at least two features of independent claims 1 and 32, as explained below. Therefore, this rejection should be reversed.

(a) Wynn and Sinclair, considered alone or in combination, fail to teach determining which navigation selectable elements a user is permitted to view in accordance with a user profile

Independent claims 1 and 32 both recite the step, “determining which elements from said set of navigation selectable elements that said [given] user is permitted to view in accordance with said [first] user profile.” Neither Wynn nor Sinclair, considered alone or in combination, disclose or suggest this feature of claims 1 and 32, as explained below.

The Examiner’s Answer asserts that Figures 20 and 20A of Wynn disclose “navigation selectable elements,” as recited in claims 1 and 32, in the form of buttons at the bottom of the illustrated user interface below a concierge image. Applicants disagree.

There is no passage in Wynn that discloses or remotely suggests “navigation selectable elements.” Figures 20 and 20A of Wynn show an apparent image of a concierge and various player identification fields, as well as numerous illegible items. Although several boxes appear in Figure 20, the purpose and function of such boxes are not clear, and it would be improper hindsight analysis to conclude that such items are “navigation

selectable elements,” as recited in claims 1 and 32. Examples of “navigation selectable elements,” as recited in claims 1 and 32, include such elements as container elements (claim 2) and initiating elements (claim 3). By contrast, in Wynn, two of these boxes appear to state “Delivered” and “I’ll Get Back To You.” These labels suggest status indicators or communication options, rather than navigation selectable elements. No navigation selectable elements are disclosed or suggested in Figures 20 and 20A of Wynn and their related written descriptions, without the benefit of impermissible hindsight analysis.

The Final Office Action acknowledges at page 3, “Wynn does not explicitly disclose that the navigation elements are displayed based on the user profile.” The Applicants agree with this assessment of Wynn. Indeed, there is no mention of a profile or “user profile” anywhere in Wynn, much less any determining which elements a user is permitted to view in accordance with a user profile.

The Final Office Action asserts that “Sinclair discloses displaying a set of navigation selectable elements that the user is permitted to view in response to the user profile.” (column 15, lines 35-40). Applicants disagree with this characterization of Sinclair. The quoted passage of Sinclair states:

In order to incorporate user profile information in a game, user profile information retrieved from the memory 1504 in the mobile station 102 is sent to the server 1412. The server 1412 incorporates this profile information into the game service 1414. The virtual world 1406 is then constructed while taking account of the user profile information.

Sinclair has nothing to do with graphical user interfaces (GUI) related to wager-based gaming, as recited in claims 1 and 32. Instead, Sinclair teaches narrations and selections in a “virtual world” constructed as a Zorg style text game, which is played on a cell phone.

Even if Sinclair somehow related to wager-based gaming, no passage in Sinclair discloses or suggests “determining which elements from said set of navigation selectable elements that said [given] user is permitted to view in accordance with said [first] user profile,” as recited in claims 1 and 32. Sinclair only describes a generic definition of a “virtual world,” for example, by extracting profile tags in a lightweight interactive fiction engine language (LIFE). (Sinclair, col. 11, lines 23-40). These profile tags are not navigation selectable elements that could somehow be viewed by a user. Nor are the profile tags and/or “fiction engine language” described as having anything to do with a user

profile.

In addition, the Examiner is apparently attempting to equate a user ID with a “user profile,” per claims 1 and 32. (Examiner’s Answer, page 18). Those of ordinary skill in the art would have understood those terms to refer to different entities. A user ID identifies a user, while a profile would store profile information about the user. There is no disclosure or suggestion in Sinclair of using a user *profile* to determine which navigation selectable elements a user is permitted to view. Applicants note that none of the FIGs. 17 show or refer to any “user profile” in making a determination as to which elements to display from a set of navigation selectable elements to display. Nonetheless, the Examiner relies on the illustrations in FIGs. 17 as the basis for the outstanding rejections. Assuming that such features are somehow disclosed in FIGs. 17 or their related description is an example of improper hindsight analysis.

Nothing in the quoted passages of Sinclair, e.g., col. 15, lines 35-45, have to do with GUI’s associated with wager-based gaming, much less the feature “determining which elements from said set of navigation selectable elements that said [given] user is permitted to view in accordance with said [first] user profile,” as recited in claims 1 and 32. Sinclair describes incorporating profile information itself into a game service, before constructing the virtual world. There is absolutely no mention of navigation selectable elements in this passage, much less determining which elements from a set that a user is permitted to view, in accordance with the user profile or otherwise.

Because Sinclair fails to cure the deficiencies of Wynn with respect to this claimed feature, Wynn and Sinclair, considered alone or in combination, fail to disclose or suggest all of the features recited in claims 1 and 32. Accordingly, the obviousness rejections of claims 1 and 32 should be reversed.

- (b) Wynn and Sinclair, considered alone or in combination, fail to teach displaying only navigation selectable elements a user is allowed to view, wherein the resulting display is customized to the user based at least in part upon a first input from a user of the gaming system and a second input from an operator of the gaming system**

Independent claims 1 and 32 contain numerous elements that are simply not taught by the cited art, considered alone or in combination, as explained in the Appeal Brief. A second feature of pending claims 1 and 32, that is clearly not taught by Wynn and Sinclair, is “displaying only said navigation selectable elements said [given] user is allowed to view,

wherein said resulting display is customized to the [given] user based at least in part upon said first input and said second input.”

The cited passages of Wynn make no mention of the claimed feature of “displaying *only* said navigation selectable elements said user is allowed to view,” per claims 1 and 32. (Emphasis added). The Final Office Action properly acknowledges at page 3 that “Wynn does not explicitly disclose that the navigation elements are displayed based on the user profile,” as mentioned above. Indeed, in claims 1 and 32, the only navigation selectable elements displayed to the user are those determined to be permitted to view by the user, as recited in the previous “determining” step of claims 1 and 32, discussed above. Because Wynn is deficient with respect to the determining step, Wynn is deficient with respect to at least this second feature of “displaying ...,” as recited in claims 1 and 32.

Moreover, the claimed feature of “said resulting display is *customized* to the [given] user based at least in part upon said first input and said second input,” as recited in claims 1 and 32, is lacking in Wynn and Sinclair. Wynn describes no such customization. The Examiner’s Answer asserts that the display/video feed of Wynn is based on user input and concierge input. There are obvious discrepancies with respect to the claimed language of “user” and “operator,” when making this comparison. Nonetheless, even if such a comparison could somehow be made, there is no passage in Wynn that discloses or suggests any “customization” of a display including only said navigation selectable elements said user is allowed to view, based in part upon said first input and said second input. The teachings of Wynn, at best, only disclose a user display/video feed as a combination of both a separate video feed and a display with undefined boxes. There is nothing in Wynn with respect to displaying only navigation selectable elements the user is allowed to view, based at least in part upon a first input from a given user of the gaming system and a second input from an operator of the gaming system. Without more, the teachings of Wynn are insufficient to disclose or suggest the recited features of claims 1 and 32, and therefore fail to support the obviousness rejection of claims 1 and 32.

Sinclair is cited in the Final Office Action (page 3) for its teachings with respect to this second feature of claims 1 and 32. The Office Action asserts that Sinclair teaches customization “based on user input along with the user profile (reference number 1710, Figure 17B).” However, Figure 17B simply shows text messages displayed to a player on a cell phone to play a virtual world game. Even assuming the player’s input constitutes a “first input,” per claims 1 and 32, there is no illustration, teaching, or suggestion of a “second input” forming at least a partial basis for a customized display. Indeed, there is no passage in Sinclair that

describes anything resembling customization of a display to a user based at least in part upon a first input from a given user of the gaming system and a second input from an operator of the gaming system. Therefore, Sinclair fails to cure the deficiencies of Wynn when considered alone or in combination with Wynn.

Because Sinclair fails to cure the deficiencies of Wynn with respect to a second feature of claims 1 and 32, namely “displaying only said navigation selectable elements said [given] user is allowed to view, wherein said resulting display is customized to the [given] user based at least in part upon said first input and said second input,” Wynn and Sinclair, considered alone or in combination, fail to support the obviousness rejection of claims 1 and 32. Accordingly, the rejections of claims 1 and 32 should be reversed.

As to the remaining features of claims 1 and 32 not disclosed in Wynn and Sinclair, considered alone or in combination, Applicants stand by their arguments above and as set forth in the Appeal brief.

(c) No proper motivation to combine Wynn and Sinclair has been provided

Applicants stand by their arguments above and as set forth in the corresponding section of the Appeal brief.

(d) No reasonable expectation of success for the proposed combination of Wynn and Sinclair has been provided

Applicants stand by their arguments above and as set forth in the corresponding section of the Appeal brief.

2. Dependent claims 2, 4, 6 and 7

Claims 2, 4, 6 and 7 depend directly from independent claim 1, and are therefore submitted to be patentable over Wynn and Sinclair for at least the reasons set forth above with respect to claim 1. Applicants stand by their arguments regarding additional reasons for the patentability of these claims in the corresponding section of the Appeal brief. The rejections of these claims should be reversed.

3. Independent claim 10

Independent claim 10 recites similar features as independent claim 1, and is therefore submitted to be patentable over Wynn and Sinclair for at least the reasons set forth above with

respect to claim 1. There are several additional features recited in claim 10 that are neither disclosed nor suggested by Wynn and Sinclair, alone or in combination. Applicants stand by their arguments regarding the additional reasons for the patentability of claim 10 based on these features, as set forth in the corresponding section of the Appeal brief. The rejection of claim 10 should be reversed. Because each of dependent claims 11-14 all depend from claim 10, the pending rejections for these claims similarly cannot stand for at least the same reasons.

4. Dependent claims 12-14

Dependent claims 12-14 also pertain to methods of configuring a graphical user interface associated with a gaming system, and each depends directly or indirectly from independent claim 10. Therefore, claims 12-14 are submitted to be patentable over Wynn and Sinclair for at least the reasons set forth above with respect to claim 10. Applicants stand by their arguments regarding additional reasons for the patentability of these claims in the corresponding section of the Appeal brief. The rejections of these claims should be reversed.

5. Independent claim 17

Independent claim 17 recites similar features as independent claim 1, and is therefore submitted to be patentable over Wynn and Sinclair for at least the reasons set forth above with respect to claim 1. There are several additional features recited in claim 17 that are neither disclosed nor suggested by Wynn and Sinclair, alone or in combination. Applicants stand by their arguments regarding the additional reasons for the patentability of claim 17 based on these features, as set forth in the corresponding section of the Appeal brief. The rejection of claim 17 should be reversed. Because each of dependent claims 18-31 all depend from claim 17, the pending rejections for these claims similarly cannot stand for at least the same reasons.

6. Dependent claims 18-19, 22-24, 27 and 31

Claims 18-19, 22-24, 27 and 31 also pertain to a gaming system, and each depends directly or indirectly from independent claim 17. Therefore, claims 18-19, 22-24, 27 and 31 are submitted to be patentable over Wynn and Sinclair for at least the reasons set forth above with respect to claim 17. Applicants stand by their arguments regarding additional reasons for the patentability of these claims in the corresponding section of the Appeal brief. The rejections of these claims should be reversed.

B) Conclusion

In view of the forgoing, it is respectfully submitted that none of the pending claims are rendered as obvious by Wynn, Sinclair, and Bradshaw, alone or in combination, and that the rejections of the pending claims in the pending Office Action under are therefore erroneous. Accordingly, it is respectfully requested that the pending rejections of all claims be reversed.

Respectfully Submitted,
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